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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 JAMES CASON, ) CASE NO. C09-0706-JLR-MAT  
09 Plaintiff, )  
10 v. ) ORDER DENYING PLAINTIFF'S  
11 THERESE HUTCHINS, et al., ) MOTION FOR APPOINTMENT OF  
12 Defendants. ) COUNSEL  
13 \_\_\_\_\_ )

14 Plaintiff James Cason moves for appointment of counsel to represent him in his 42  
15 U.S.C. § 1983 civil rights action. (Dkt. 23.) Having considered the papers, including  
16 defendants' opposition (Dkt. 24), and the entire record, the Court DENIES his motion for  
17 appointment of counsel (Dkt. 23).

18 Generally, a person has no right to counsel in civil actions. *See Campbell v. Burt*, 141  
19 F.3d 927, 931 (9th Cir. 1998). A court has discretion to appoint counsel for indigent civil  
20 litigants pursuant to 28 U.S.C. § 1915(e)(1), but an appointment of counsel should only be  
21 granted under "exceptional circumstances." *Agyeman v. Corrections Corp. of Am.*, 390 F.3d  
22 1101, 1103 (9th Cir. 2004). When determining whether "exceptional circumstances" exist, the

01 Court considers “the likelihood of success on the merits as well as the ability of the petitioner to  
02 articulate his claims pro se in light of the complexity of the legal issues involved.” *Weygandt*  
03 *v. Look*, 718 F.2d 952, 954 (9th Cir.1983).

04 Mr. Cason’s indigence, imprisonment, and lack of legal skills do not constitute  
05 exceptional circumstances that warrant appointment of counsel. Mr. Cason has failed to  
06 demonstrate a likelihood of success on the merits, and he has shown proficiency in articulating  
07 claims of deliberate indifference to serious medical needs and denial of due process through  
08 retaliatory disciplinary action. Mr. Cason’s motion for appointment of counsel (Dkt. 23) is  
09 denied.

10 DATED this 5th day of January, 2010.

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13 Mary Alice Theiler  
14 United States Magistrate Judge  
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